

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

DONNA CURLING, et al.)	
)	
Plaintiffs)	Civil Action No.
)	1:17-cv-02989-AT
)	
BRIAN P. KEMP, et al.,)	
)	
Defendants)	

**COFFEE COUNTY BOARD OF ELECTIONS & REGISTRATIONS’
MOTION TO QUASH AND/OR MOTION FOR PROTECTIVE ORDER**

COMES NOW, the Movant, Coffee County Board of Elections & Registration¹ (“Coffee County”) and respectfully moves this Court to quash or modify the subpoenas attached as Exhibits A and B (collectively, the “Subpoenas,” and individually the “Subpoena to Testify” and “Subpoena to Produce”) pursuant to Fed. R. Civ. P. 45(d)(3) and Fed. R. Civ. P. 26(c)(1). Alternatively, Coffee County BOE moves that the court enter a protective order pursuant to Fed. R. Civ. P. 26(c)(1).

1.

Respondents attempted to serve the Subpoena to Testify upon Coffee County commanding Coffee County to appear on July 14, 2022 at the Office of Kathryn

¹ The movant is incorrectly named in the subject subpoenas as Coffee County Board of Elections.

Grant, located at 202 W. Gordon St., Unit E, Valdosta, Georgia 31602. See Exhibit A.

2.

Respondents attempted to serve the Subpoena to Produce upon Coffee County commanding Coffee County to produce documents at the Office of Kathryn Grant, located at 202 W. Gordon St., Unit E, Valdosta, Georgia 31602. See Exhibit B.

3.

The Subpoenas are issued from a lawsuit styled as *Curling, et al. v. Kemp et al.*, pending in the United States District Court for the Northern District of Georgia, Civil Action No. 1:17-cv-02989-AT.

4.

Pursuant to Fed R. Civ. P. 45(d)(3)(B), this Motion is contemporaneously being filed in the United States District Court in the Middle District of Georgia. Fed R. Civ. P. 45(d)(3)(B) gives the “court for the district where compliance is required” the authority to quash or modify a subpoena. Out of an abundance of caution, it is being filed in this action as well.

5.

The Subpoena to Testify is unduly burdensome to Coffee County BOE. Fed. R. Civ. P. 45(d)(1) and (3).

6.

The Subpoena to Testify seeks information that is not relevant to the issues of the litigation and not proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1).

7.

The burden and expense to Coffee County BOE created by the Subpoena to Testify far outweighs any benefit the deposition testimony may provide.

8.

Coffee County BOE does not have the requisite or relevant knowledge to testify about the topics outlined in the Subpoena to Testify.

9.

The Subpoena to Produce is unduly burdensome to Coffee County BOE. Fed. R. Civ. P. 45(d)(1) and (3).

10.

The Subpoena to Produce seeks information that is not relevant to the issues of the litigation and not proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1).

11.

The burden and expense to Coffee County BOE created by the Subpoena to Produce far outweighs any benefit the deposition testimony may provide.

12.

Coffee County BOE was not properly served with the Subpoenas. The Proof of Service certifications of the Subpoenas are incorrect. (See Affidavit of R. Roberts). Service of subpoenas on the Elections Supervisor on behalf of a Board of Elections and Registration is improper.

13.

Pursuant to Fed. R. Civ. P. 26(c)(1), Coffee County BOE certifies that it has in good faith conferred with the other affected parties in an effort to resolve the dispute without court action.

14.

In support of this Motion, Coffee County BOE relies on the following:

- a. Memorandum of Law in Support of Motion to Quash and/or Motion for Protective Order filed contemporaneously with this Motion;
- b. The Subpoenas attached as Exhibits A and B;
- c. Affidavit of Rachel Roberts.

WHEREFORE, Coffee County respectfully moves that the Court:

1. Quash the Subpoenas, or, in the alternative;
2. Issue a protective order sufficient to protect Coffee County BOE's interests;

3. Award Coffee County its reasonable and necessary attorney's fees and litigation costs for having to bring this motion; and
4. Grant such other and further relief as the Court deems just and appropriate.

Respectfully submitted this 29th day of June, 2022.

HALL BOOTH SMITH, P.C.

/s/ Anthony A. Rowell

ANTHONY A. ROWELL

Georgia Bar No.: 616930

JENNIFER D. HERZOG

Georgia Bar No.109606

NICHOLAS A. KINSLEY

Georgia Bar No.: 273862

Counsel for Coffee County

Board of Elections & Registration

1564 King Road
Tifton Georgia 31793
(229) 382-0515 – Telephone
(229) 382-1676 – Facsimile
Email: arowell@hallboothsmith.com
Email: jherzog@hallboothsmith.com
Email: nkinsley@hallboothsmith.com

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v.)	Civil Action No. 1:17-cv-02989
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 29th day of June, 2022, served a copy of the within and foregoing **COFFEE COUNTY BOARD OF ELECTIONS & REGISTRATIONS' MOTION TO QUASH AND/OR MOTION FOR PROTECTIVE ORDER** upon all Counsel of Record via CM/ECF and by placing a copy of same in the United States Mail, in an envelope with adequate postage affixed thereon to ensure delivery, as follows:

Halsey G. Knapp, Jr.
Krevolin & Horst, LLC
One Atlantic Center
1201 West Peachtree Street, NW
Suite 3250
Atlanta, GA 30309
hknapp@khlawfirm.com

HALL BOOTH SMITH, P.C.

/s/ Jennifer D. Herzog
ANTHONY A. ROWELL

Georgia Bar No.: 616930
JENNIFER D. HERZOG
Georgia Bar No. 109696
NICHOLAS A. KINSLEY
Georgia Bar No.: 273862

*Counsel for Coffee County
Board of Elections & Registration*

1564 King Road
Tifton Georgia 31793
(229) 382-0515 – Telephone
(229) 382-1676 – Facsimile
Email: arowell@hallboothsmith.com
Email: jherzog@hallboothsmith.com
Email: nkinsley@hallboothsmith.com